



Virginia
Regulatory
Town Hall

Final Regulation Agency Background Document

Agency Name:	Department of Health
VAC Chapter Number:	12 VAC 5-520
Regulation Title:	Regulations Governing the Dental Scholarship and Dentist Loan Repayment Program
Action Title:	Final Regulations Governing the Dental Scholarship and Dentist Loan Repayment Program
Date:	March 18, 2002

Please refer to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99) , and the *Virginia Register Form, Style and Procedure Manual* for more information and other materials required to be submitted in the final regulatory action package.

Summary

Please provide a brief summary of the new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment; instead give a summary of the regulatory action. If applicable, generally describe the existing regulation. Do not restate the regulation or the purpose and intent of the regulation in the summary. Rather, alert the reader to all substantive matters or changes contained in the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. Please briefly and generally summarize any substantive changes made since the proposed action was published.

New regulations are proposed for orderly administration of the dentist loan repayment program which was established to fund graduating dentists as an incentive to practice in underserved areas of the Commonwealth. This program will operate in conjunction with the existing scholarship program. Due to the need for both programs to function together to meet the need in underserved areas, proposed amendments are also made for the existing dental scholarship program defined in Section 32.1-122.9 of the Code of Virginia. As such, amending definitions of scholarship areas of need, amount of scholarship and distribution of scholarship funds are a necessary part of the action to adopt the loan program regulations. To do one program in isolation of the other may jeopardize the interests and integrity of the other. No substantive changes have been made since the proposed action was published.

Changes Made Since the Proposed Stage

Please detail any changes, other than strictly editorial changes, made to the text of the proposed regulation since its publication. Please provide citations of the sections of the proposed regulation that have been altered since the proposed stage and a statement of the purpose of each change.

No changes have been made to the proposed regulations since its publication.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency: including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Acting State Health Commissioner, acting pursuant to authority vested by Section 32.1-20 of the Code of Virginia, adopted these regulations on March 18, 2002.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority, shall be provided. If the final text differs from that of the proposed, please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the final regulation and that it comports with applicable state and/or federal law.

Through an act of the General Assembly of Virginia, the Code of Virginia has been amended by adding a section numbered 32.1-122.9:1 authorizing the Board to establish “a dentist loan repayment program for graduates of accredited dental schools ...who agree to perform a period of dental service in the Commonwealth in an underserved area as defined in § 32.1-122.5 of the dental scholarship program or a dental health professional shortage area designated in accordance with the criteria established in 42 C.F.R. Part 5.” This Section also authorizes the State Board of Health to “promulgate regulations to implement the Dentist Loan Repayment Program within 280 days of enactment of the provision.” Additionally, subsection B of Section 32.1-122.9 of the Code of Virginia authorizes the Board, “after consultation with the School of Dentistry of Virginia Commonwealth University, to promulgate regulations to administer...[an annual dental] scholarship program.” The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the regulation and that it comports with applicable state and/or federal law.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the final regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

Adoption of the dentist loan repayment regulations and amendments to the dental scholarship regulations are needed to carry out the mandates of the Code of Virginia in a orderly and equitable manner, to assure that dental health services are available in the underserved areas of Virginia and to provide that no citizen of the Commonwealth will be without the availability of dental services.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement of the regulatory action's detail.

The new substantive provisions include the details for administering the newly established dentist loan repayment program. The substantive changes to the existing sections of the dental scholarship program include updating format to the the Virginia Register Form, Style and Procedure Manual and assuring that the two programs work together in an orderly manner.

Issues

Please provide a statement identifying the issues associated with the final regulatory action. The term "issues" means: 1) the advantages and disadvantages to the public of implementing the new provisions; 2) the advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantages of the proposed regulatory action is in the administration of a dental scholarship and dentist loan repayment program that will be efficient and effective in attracting dentists to enroll in these programs, thereby increasing accessibility and quality of dental services in underserved areas of the Commonwealth. There are no known or anticipated disadvantages to the public or the Commonwealth associated with these regulations.

Public Comment

Please summarize all public comment received during the public comment period and provide the agency response. If no public comment was received, please include a statement indicating that fact.

No comments were received at the public hearing held on October 13, 2001.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or crosswalk - of changes implemented by the proposed regulatory action. Include citations to the specific sections of an existing regulation being amended and explain the consequences of the changes.

No changes are being offered to the original proposed regulation changes.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Many Virginians, mainly in non-metropolitan areas, will benefit from the adoption of the dentist loan repayment program and amendments to the dental scholarship program. These actions are necessary to improve the access to dental health services and ensure adequate availability of dental services in areas of Virginia where there are presently insufficient dental services.